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Attorneys for Plaintiffs, ANTHONY WRIGHT, *et al.*

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

ANTHONY WRIGHT, individually,
and as Guardian ad Litem of L.W., a
minor, A.G., a minor, and H.W., a
minor; NICOYA WRIGHT,
individually; L.W., individually; A.G.,
individually; H.W., individually,

Plaintiffs,

v.

SAN BERNARDINO COUNTY
SHERIFF's DEPARTMENT, a public
entity; SAN BERNARDINO
COUNTY, a public entity; SHANNON
DICUS, individually; JAMES
WILLIAMS, individually; and DOES
1-10, individually,

Defendants.

CASE NO.: 5:25-cv-00917-SSS-SHK

**PETITION TO APPOINT GUARDIAN
AD LITEM**

MEMORANDUM OF POINTS AND AUTHORITIES

I. STATEMENT OF FACTS

L.W. is the biological son of petitioner, ANTHONY WRIGHT, and is four (4) years old. H.W. is the biological son of petitioner, ANTHONY WRIGHT, and is two (2) years old. A.G. is the biological son of petitioner, ANTHONY WRIGHT, and is fifteen (15) years old. ANTHONY WRIGHT has no interests adverse to those of his biological children in the instant action.

On April 25, 2023, ANTHONY WRIGHT was severely and permanently injured at due to the conduct of Defendants at the Glen Helen Rehabilitatoin Center in San Bernardino County. L.W., H.W., and A.G. are Plaintiffs in this action based on their own personal injuries stemming from their father's lifelong injuries, the violation of their substantive due process rights, and the deprivation of familial association.

L.W., H.W., and A.G. have no other appointed representative or guardian. Accordingly, as minors, they can only bring their claims by way of a guardian ad litem.

II. THIS COURT IS EMPOWERED TO APPPOINT PETITIONER AS GUARDIAN AD LITEM

Rule 17(c) of the Federal Rules of Civil Procedure, provides as follows:

“An infant or incompetent person who does not have a duly appointed representative may sue by a next friend or guardian ad litem. The court shall appoint a guardian ad litem for an infant or incompetent person not otherwise represented in an action or shall make such other orders as it deems proper for the protection of the infant or incompetent person.”

III. A PARENT WHO IS A PLAINTIFF CAN SERVE AS A GUARDIAN AD LITEM

“Fit parents are presumed to act in the best interests of their children.” *M.P. by & through McCollum v. Cnty. of San Joaquin*, No. 2:23-CV-00245 AC, 2023 WL 3343956, at *1 (E.D. Cal. May 10, 2023) (citing *Troxel v. Granville*, 530 U.S. 57, 66 (2000); *Doe v. Heck*, 327 F.3d 492, 521 (7th Cir. 2003)). However, “if the parent has

1 an actual or potential conflict of interest with [their] child, the parent has no right to
2 control or influence the child's litigation.” *Molesky for J.M. v. Carillo*, No. 1:22-cv-
3 1567-ADA-CDB, 2022 WL 17584396, *1 (E.D. Cal. Dec. 12, 2022) (quoting *Williams*
4 *v. Super. Ct. of San Diego*, 147 Cal. App. 4th 36, 50 (2007)).

5 Nevertheless, “when a parent brings an action on behalf of a child, and it is
6 evident that the interests of each are the same, no need exists for someone other than
7 the parent to represent the child's interests under Rule 17(c).” *Gutierrez v. City of*
8 *Visalia*, No. 121CV01700JLTHBK, 2022 WL 1489479, at *2 (E.D. Cal. May 11, 2022)
9 (citations omitted). “Generally, there is no inherent conflict of interest when a minor is
10 represented by a parent who is a party to the lawsuit and who has the same interests as
11 the child. *J.A. v. Cnty. of Madera*, No. 121CV00252NONEEPG, 2021 WL 826219, at
12 *2 (E.D. Cal. Mar. 4, 2021) (citing *Burke v. Smith*, 252 F.3d 1260, 1264 (11th Cir.
13 2001); *see also Brown v. Alexander*, 2015 WL 7350183 at *2 (N.D. Cal. Nov. 20, 2015)
14 (“In general, a parent who is also a party to the lawsuit is presumed to be a suitable
15 guardian ad litem, and so the court often appoints the parent as guardian ad litem upon
16 receipt of an ex parte application without exercising much discretion.”) (citation
17 omitted).

18 Here, it is presumed that ANTHONY WRIGHT will act in the best interest for
19 his children, L.W., H.W., and A.G. He has the same interests as his children. Therefore,
20 ANTHONY WRIGHT, as the biological father of L.W., H.W., and A.G., is an
21 appropriate candidate to serve as guardian ad litem for purposes of pursuing an action
22 for the violation of her biological daughter’s constitutional rights.

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1 **IV. CONCLUSION**

2 According, petitioner respectfully request that this Court grant the instant
3 petition.

4 **Dated: May 7, 2025**

LAW OFFICES OF CHRISTIAN CONTRERAS
A PROFESSIONAL LAW CORPORATION

5
6 By: 
7 Christian Contreras, Esq.
8 Attorneys for Plaintiffs,
9 ANTHONY WRIGHT, *et al.*
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DECLARATION OF ANTHONY WRIGHT

I, ANTHONY WRIGHT, declare as follows:

1. That the matters contained in this declaration are true of my own personal knowledge, and I could competently testify thereto if called upon to do so.

2. That the purpose of the present declaration is to support the present petition for this court's order appointing your declarant as the Guardian Ad Litem for L.W., A.G., and H.W.

3. L.W. is my biological son and is four (4) years old. H.W. is my biological son, and is two (2) years old. A.G. is my biological son, and is fifteen (15) years old.

4. That I have no interests adverse to the interests of LW., A.G., or H.W. and that L.W., A.G., and H.W. currently lives with me.

5. That I have been informed by counsel and therefore understand that the appointment of a Guardian Ad Litem is necessary under the applicable state and federal rules which control the filing of lawsuits.

6. That I understand that as a minor, LW., A.G., and H.W., cannot bring or participate in a suit absent a Guardian Ad Litem or other formal representative.

7. That I therefore respectfully request the present court to issue an order appointing me as Guardian Ad Litem for LW., A.G., and H.W., in this action.

I declare under the penalty of perjury under the law of the United States that the foregoing is true and correct.

Executed on May 7, 2025 in San Bernardino County, California.

/s/ Anthony Wright
ANTHONY WRIGHT